Justice Sector in Indonesia

For over 45 years, The Asia Foundation has supported Indonesian efforts to strengthen legal institutions, improve legal education, and bolster justice sector reform. Working in partnership with government agencies, universities, and civil society organizations, the Foundation supports the development of an equitable and accountable justice system that is responsive to the needs of Indonesian people. The Foundation’s programs focus on institutional development and strengthening across all components of the justice sector: the Judiciary, Attorney General’s Office, National Police, and Department of Corrections.

**Justice Sector Institutions**

For more than a decade, The Asia Foundation has provided technical assistance to the Supreme Court and the Attorney General’s Office as they developed and implemented comprehensive reform programs. We have also worked to support the Judicial Commission, Constitutional Court, Human Rights Court, Religious Courts Directorate, and Witness Protection Agency on a range of reform agendas. The Foundation is now focusing on building the capacity of the justice sector to prosecute corruption-related crimes, through support to civil society experts who work in close partnership with the Corruption Eradication Commission (KPK).

**Legal Education**

Following the fall of Suharto, pressure has grown for the next generation of judges, prosecutors, and public officials in Indonesia to be more reform-minded, better attuned to human rights and gender-based discrimination, and inclined to take a more principled approach to decision-making and combating corruption. The Asia Foundation’s Educating and Equipping Tomorrow’s Justice Reformers program (E2J) is partnering with university law schools, civil society organizations, and formal justice institutions to provide a new generation with the knowledge, skills, opportunities, and incentives to pursue careers in public service and to contribute to justice sector reform efforts. Through the E2J program, the Foundation is implementing a variety of activities to encourage law students, particularly women law students, to pursue public service and academic careers. The program is supporting the law faculties of eight leading universities to develop clinics that offer hands-on experience in civil law, criminal law, anti-corruption law, and public legal education on environmental and women’s and children’s issues. The clinics bring together law faculties with civil society organizations and local courts, providing a forum for students to apply their theoretical knowledge in a practical setting. To further drive reform, the program is offering grants for professionals from law schools and civil society organizations to collaborate on research on issues affecting the justice system.

**Gender Justice in Religious Courts**

In addition to The Asia Foundation’s work with the Supreme Court, we are also providing support to the religious court system at the provincial level. Religious court judges are the primary legal interpreters of Islamic family law issues, and they have great influence in determining issues related to women’s rights and gender equality in Indonesia. Being able to fairly dispense justice on these issues depends not only on the laws, but also on the knowledge and perspectives of the individual judges. With support from the Foundation, the Women’s Studies Center (PSW) at the Sunun Kalijaga State Islamic University in Yogyakarta works with the
Department of Religion and the Director General of Religious Courts to provide gender and children’s rights training for judges across the country. PSW has provided direct gender and children’s rights training to more than a quarter of the religious judges in the country, and it is now focusing on reaching judges in the Religious High Courts. The Foundation’s work with PSW builds on a longstanding collaboration with Putroe Kandee, which has provided gender and human rights training for nearly 90 percent of Shariah Court judges in Aceh.

COMMUNITY-ORIENTED POLICING

One of the first actions the new government took after the fall of the New Order government was to demilitarize the police. Working with the Centers for Human Rights Studies at the Islamic University of Indonesia in Yogyakarta and Airlangga University in Surabaya, as well as local partners Manikaya Kauci, Percik Foundation, and Fahmina, The Asia Foundation is supporting the police and Indonesian communities to develop new, positive partnerships, focusing on enhancing police legitimacy and responsiveness to community needs. The Foundation has convened more than 60 task forces across five provinces to facilitate dialogue between local police departments and community leaders. These task forces have seen falls in general crime rates and better police preparedness to handle specific crimes common in the regions of focus, human trafficking, domestic violence, and religious violence. Working with the National Police Academy, the Foundation has supported the development of a curriculum in community-oriented policing and human rights that has been incorporated into training for all third-year police cadets. More than 1,500 police officers have gone through Foundation-designed community-oriented policing and human rights training programs at the academy.

PRISON REFORM

Despite notable reforms in Indonesia’s criminal justice system, primarily in the judiciary, the Attorney General’s Office, and the National Police, the fourth branch, the corrections system, has until recently received relatively little attention. The prison system is plagued by chronic problems including acute overcrowding and overstaying. At the same time, there are a high number of pre-trial detainees held in prisons, extensive drug circulation, high HIV-related mortality rates among inmates, unclear and inconsistent implementation of remission awards, and a worryingly high number of recidivist criminals. Pervasive corruption in prisons has only compounded these problems. Working closely with a consortium of civil society organizations and key Indonesian correction officials, The Asia Foundation has collaborated with the Directorate General of Corrections to develop a Blueprint for Corrections Service Reform that maps out reform objectives, identifies challenges, and prioritizes steps that need to be taken. With support from the Australian Department of Foreign Affairs and Trade and AusAID, the Foundation has assisted the DGC to implement this Blueprint. We have worked with the DGC to institutionalize a functioning inmate database system, strengthen the regulatory framework to prevent prison overstay, and expand the role of parole and non-custodial sentencing in draft national legislation. The database system is operational in more than 113 correctional facilities across the country and uptake is increasing rapidly. As the reform process moves forward, the Foundation is working to strengthen mechanisms to supervise services provided by the corrections system and compliance with standard minimum rules for treatment of prisoners, and further enhance the capacity of the DGC to manage information and offer public access to corrections information.

CIVIL SOCIETY STRENGTHENING

In the reform era, civil society organizations have played an important role in the transition to democracy by promoting justice sector reform, monitoring law and justice institutions, providing technical assistance, conducting analytical work, and building demand for reform, counter-corruption efforts, and expanding access to justice. The Asia Foundation supported the founding of leading justice-sector NGOs such as the Center for Indonesia Law and Policy Studies (PSHK) and Hukumonline – which facilitates access to legal information for Indonesian legal professionals – and provides institutional support to issue-specific organizations like the Indonesian Center for Environmental Law (ICEL). The Foundation’s support for community service organizations (CSOs) has helped partner organizations develop their management and leadership strategies, develop secure funding bases, improve accountability and constituency, and establish knowledge management and human resource systems. We also work to build CSO capacity by offering technical assistance in research and evaluation. Finally, the Foundation seeks to promote international best practices in regards to addressing corruption and increasing access to justice.

For more information on Asia Foundation justice sector programs, please contact Leopold Sudaryono (lsudaryono@tafindo.org) or Eric Putzig (eputzig@tafindo.org). The Asia Foundation’s justice sector programs are supported through partnerships with the bilateral assistance agencies of Australia, Denmark, the Netherlands and the United States.